

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-30251  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAUDE ANTANNE GRIFFIN, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No.97-CV-1095  
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January 17, 2000

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

Claude Antanne Griffin, Jr., appeals the district court's dismissal of his § 2255 motion. Griffin, however, failed to prove his incompetency to stand trial by a preponderance of the evidence. See Washington v. Johnson, 90 F.3d 945, 950 (5th Cir. 1996). Because Griffin was not incompetent to stand trial, his trial counsel did not provide ineffective assistance by failing to investigate his competency. See Carter v. Johnson, 131 F.3d 452, 464 (5th Cir. 1997), cert. denied, 118 S.Ct. 1567 (1998). Griffin has not demonstrated error on the part of the district

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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court. This judgment is therefore AFFIRMED.